# AGENDA CITY OF THE COLONY PLANNING AND ZONING COMMISSION JUNE 9, 2015

After determining that a quorum is present, the Planning and Zoning Commission of the City of The Colony, Texas will convene into regular session which will be held on Tuesday, June 9, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

CALL REGULAR SESSION TO ORDER

1.0

1.1	Citizen Input								
2.0	CONSENT AGENDA								
2.1	Consider approval of the minutes of the May 26, 2015 Regular Session.								
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3.0	PUBLIC HEARING ITEMS								
3.1	SI15-0010 Zoning Ordinance Text Amendment								
	Conduct a public hearing, discuss and consider making a recommendation to City								
	Council on a text amendment to Section 10-100, Use of Land and Buildings and Section								
	10-300, Definitions and Explanations Applicable to Use Schedule with regards to								
	Mobile Food Vending.								
3.2	SUP14-0011 Brazos Electric Power Cooperative – Electrical Substation Specific Use								
3.2	Permit								
	Conduct a public hearing, discuss and consider making a recommendation to City								
	Council on a request for a Specific Use Permit (SUP) to allow an electrical substation								
	facility known as the Josey Electrical Substation on 10.445-acres of land located near								
	the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100								
	feet North of Windhaven Parkway in Planned Development 10 (PD-10) zoning district.								
3.3	SUP15-0003 Brazos Electric Power Cooperative - Monopole Antenna Specific Use								
	Permit								
	Conduct a public hearing, discuss and consider making a recommendation to City								
	Council on a request for Specific Use Permit (SUP) to allow a monopole antenna to be								
	located at the Josey Electrical Substation facility on 10.445-acres of land located near								
	the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100								
	feet North of Windhaven Parkway in Planned Development 10 (PD-10) zoning district.								
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4.0	DISCUSSION ITEMS
4.1	SP14-0022, Brazos Electric Power Cooperative - Electrical Substation Development
	Plan
	Discuss and consider making a recommendation to City Council on a request for a
	Development Plan to allow an electrical substation facility known as the Josey
	Substation on 10.445-acres of land located near the northwest corner of Plano Parkway
	and Windhaven Parkway, approximately 100-feet North of Windhaven Parkway in the
	Planned Development 10 (PD-10) zoning district.

<sup>&</sup>quot;Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session".

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

#### CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 5<sup>th</sup> day of June, 2015.

Christie Wilson, City Secretary



## MINUTES CITY OF THE COLONY PLANNING AND ZONING COMMISSION MAY 26, 2015

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, May 26, 2015 at 6:35 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

**Board Members Present**: Karen Hames, Chairman, Cody Hall, Vice Chairman, Cesar Molina Jr., Brian Buffington and Shannon Hebb.

**Board Members Absent**: Detrick DeBurr and Janece Pool

City Council Liaison: David Terre, City Council Place 4

**Staff Present**: Mike Joyce, AICP, Planning Director, Gordon Scruggs, P.E., Engineering and Development Services Director; Surupa Sen, Senior Planner, and Ed Voss, City Attorney.

# 1.0 CALL REGULAR SESSION TO ORDER

Chairman Hames called the meeting to order at 6:35 PM.

# 1.1 CITIZEN INPUT

No citizens came forward during Citizen Input.

2.0	CONSENT AGENDA
2.1	Consider approval of the minutes of the May 12, 2015 Regular Session.
2.2	PP15-0002 Victory 121 North Preliminary Plat
	Discuss and consider approval of a Preliminary Plat of Lots 1 through 7, Block A of
	Victory 121 North Addition, being a Replat of Lot 1, Block A of the East Oak Wood
	Village, an addition to the City of The Colony, Texas. The property is located
	between Memorial Drive and SH 121.
2.3	PP15-0003 Northeast Corner of Windhaven Parkway and Plano Parkway
	Preliminary Plat
	Discuss and consider approval of a Preliminary Plat of Lots 1 and 2, Block A of the
	Northeast Corner of Plano Parkway and Windhaven Parkway, which is 18.118-acres
	out of the David Andrews Survey, Abstract No. 18. City of The Colony, Denton
	County, Texas. The property is located at the northeast corner of Windhaven Parkway
	and Plano Parkway.

Chairman Hames read the Consent Agenda items into the record.

Commissioner Hebb moved to approve Item 2.1, 2.2, and 2.3 Commissioner Buffington seconded the motion. Motion carried (5-0).

3.0	PUBLIC HEARING ITEMS
3.1	PDA15-0001 PD-22, Austin Ranch Planned Development Design Standards Text
	Amendment
	Conduct a public hearing, discuss and consider making a recommendation to City
	Council regarding text amendments to "Exhibit "B," Permitted Land Uses by Category
	to add the "Convenience Store" land use to the Austin Ranch Planned Development
	Design Standards.

Chairman Hames read Public Hearing Item 3.1 into the record.

Ms. Sen presented the staff report.

Commissioner Hebb asked whether each parcel within this large land area would be required to apply for Specific Use Permit (SUP) if this amendment is approved.

Ms. Sen clarified that wherever a store generates 75% or more of the gross sales are by liquor, a Convenience Store will not be required to have a SUP.

Commissioner Hall enquired is smoke shops will fall under this category. Mr. Joyce clarified that smoke shops will not fall under Convenience Store category.

Chairman Hames opened the public hearing at 6:40 p.m.

No input was received during the public hearing and the public hearing was closed at 6:41 p.m.

Chairman Hames called for called for a motion from the Commission.

# Commissioner Hall moved to approve Item 3.1. Commissioner Molina seconded the motion. Motion carried (5-0).

4.0	DISCUSSION ITEMS
4.1	SP15-0005, 7-Eleven Convenience Store Development Plan
	Discuss and consider making a recommendation to City Council on a request for
	Development Plan to allow a convenience store with fuel sales on 1.157-acres of land
	located near the northeast corner of Plano Parkway and Windhaven Parkway in the
	Planned Development 22 (PD-22 – Austin Ranch) zoning district.

Ms. Sen presented the staff report.

Commissioner Hebb asked that this property is close to a wetland area so are there any precautions taken in case of an oil spill.

Applicant Kofi Addo stated that there are containment measures in the fueling station that would protect the area from spill like double wall tanks etc. and it follows all state and federal regulations.

Chairman Hames called for called for a motion from the Commission.

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Commissioner Buffington moved to approve Item 4.1. Commissioner Hebb seconded the motion. Motion carried (5-0).

## 4.2 SP15-0006, Village at 121, Phase 2 Amended Development Plan

Discuss and consider making a recommendation to City Council for an Amended Development Plan for a 30,336 square foot retail/restaurant center called Village at 121, Phase 2, on approximately 2.53-acres, located on the north side of the Sam Rayburn Tollway (S.H. 121) and approximately 500 feet east of South Colony Boulevard in the Planned Development 16 (PD-16) zoning district.

Ms. Sen presented the staff report.

There being no question from Commissioners, Chairman Hames called for a motion from the Commission.

Commissioner Hebb moved to approve Item 4.2. Commissioner Molina seconded the motion. Motion carried (5-0).

#### 4.3 SP15-0007, Boathouse Retail, Lot 6, Block C – Development Plan

Discuss and consider making a recommendation to City Council on a request for Development Plan to allow a retail building on a 3.67-acre parcel of land located near the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) zoning district.

Ms. Sen presented the staff report.

Commissioner Buffington asked if there will be any retaining wall or any type of wall separating the residential and the retail uses. Ms. Sen answered negative and Mr. Joyce clarified that such a wall is not required in this case.

Commissioner Hebb asked there are two fire hydrants in front of the building but none at the back so how the maximum 150' from nearest fire hydrant requirement is being met.

Ms. Sen mentioned that the Fire Marshal has reviewed the site plan and he has provided his approval.

Chairman Hames called for a motion from the Commission.

Commissioner Molina moved to approve Item 4.3. Commissioner Buffington seconded the motion. Motion carried (5-0).

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# 4.4 SP15-0003, The Hudson-Parks of Austin Ranch Development Plan

Discuss and consider making a recommendation to the City Council on a request for approval of a Development Plan in Planned Development 22 (PD-22) for Lots 1-5, Block D, with 29 multi-family residence buildings and associated common space areas, on approximately 46.20 acres, located on the south side of Windhaven Pkwy and west of the Parks of Austin Ranch Addition in the Planned Development 22 (PD-22) zoning district.

Ms. Sen presented the staff report.

Commissioner Molina asked why the plat is not being reviewed at the same time with the site plan, why the plat will come later after the development plan is already approved.

Ms. Sen stated that the final plat for this project was approved by Commission on April 28, 2015 meeting. They are making some minor changes like changing the street name and some lot lines, so the amended plat has come back to Commission for approval. Procedure wise, Ms. Sen stated that plats and development plans are run concurrently but they don't have to be on agenda at the same time. In this case the development plan was submitted before the amending plat.

Commissioner Hebb asked if right turn lanes will be considered as part of the site plan review.

Mr. Scruggs responded that the applicant has done a traffic impact analysis (TIA) that includes all three phases and the future phase. The study shows a traffic signal is warranted at Hudson Drive and the future driveway that will be built during Phase 3 will require a right turn deceleration lane.

There being no further questions, Chairman Hames called for called for a motion from the Commission.

Commissioner Hall moved to approve Item 4.4 Commissioner Hebb seconded the motion. Motion carried (5-0).

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 6:57 p.m.

Karen Hames, Chairman	
Surupa Sen, Senior Planner	

#### PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** June 9, 2015

**DEPARTMENT:** Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

#### **SUBJECT** S115-0010 Zoning Ordinance Text Amendment

Conduct a public hearing, discuss and consider making a recommendation to City Council on a text amendment to Section 10-100, Use of Land and Buildings and Section 10-300, Definitions and Explanations Applicable to Use Schedule with regards to Mobile Food Vending.

#### PROPOSED REQUEST

With the rise in popularity of the mobile food truck industry; staff has been asked to review The Colony's current mobile food truck ordinance and provide revisions that reflect current trends in the market and enhanced regulation of mobile food truck operations within the city limits. Per the current ordinance, mobile food trucks are limited to operating at a location for no more than one (1) hour.

Staff is requesting the following revisions to the Section 10-100, Use of Land and Buildings and Section 10-300, Definitions and Explanations Applicable to Use Schedule with regards to Mobile Food Vending.

Sec. 10-100. Schedule of Uses by District

	Type of Use	S F	D	Т	M F 1	M F 2	M F 3	M F 4	М	P D	Α	P	0	0 2	N S	S C	G R	L	H C	I	B P
205	Mobile food vendor	N	H	N	N	H	H	N	H	*	N	N	H	N							

<sup>\* =</sup> Allowed in PD, if specifically mentioned in the PD document; S = Allowed by Specific Use Permit; N = Not allowed; Blank = Allowed by right

(Ord. No. 311, § 4, 11-26-1984; Ord. No. 376, § 4, 10-28-1985; Ord. No. 448, § 2, 9-29-1986; Ord. No. 739, § 1, 2-10-1992; Ord. No. 802, § 1, 5-3-1993; Ord. No. 97-989, § 1, 8-4-1997; Ord. No. 01-1328, § 2, 11-19-2001; Ord. No. 03-1515, § 1, 12-1-2003; Ord. No. 04-1553, § 2(10-200), 4-19-2004; Ord. No. 05-1611, § 1, 9-6-2005; Ord. No. 06-1634, § 1, 1-16-2006; Ord. No. 06-1699, § 1, 12-4-2006; Ord. No. 2010-1872, § 2, 10-5-2010; Ord. No. 2011-1923, § 2, 11-1-2011; Ord. No. 2012-1978, § 2, 9-18-2012; Ord. No. 2013-2013, § 2, 7-16-2013; Ord. No. 2013-2019, § 2, 8-20-2013; Ord. No. 2014-2038, § 2, 1-7-2014; Ord. No. 2014-2039, § 4, 1-7-2014; Ord. No. 2014-2109, § 2, 12-16-2014)

#### Sec. 10-300. Definitions and explanations applicable to use schedule.

[205] Mobile food vendor: Any person or persons who operate or and sell food from a motorized or non-motorized unit stationary cart, or trailer mounted on chassis, but without an engine for a period of (15) fifteen days or greater per year. Mobile food vendors who operate for 14 days or less shall be

considered temporary food service establishments, as defined by The Colony Code of Ordinances as it exists or is amended from time to time.

#### **NOTIFICATION**

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting for text amendments. Notice for this Public Hearing was published in *The NeighborsGo* on May 29, 2015. No comments, either for or against the text amendment, were received as of the printing of this packet.

#### **RECOMMENDATION**

The Ordinance Review Committee (ORC) recommends approval of the proposed amendment.

#### PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** June 9, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

# <u>SUBJECT</u>: SUP14-0011 Brazos Electric Power Cooperative – Electrical Substation Specific Use Permit

Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for a Specific Use Permit (SUP) to allow an electrical substation facility known as the Josey Electrical Substation on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100 feet North of Windhaven Parkway in Planned Development 10 (PD-10) zoning district.

#### OWNER/ENGINEER

Owner/Developer: Brazos Electric Power Cooperative Waco, Texas Engineer/Surveyor: Kimley-Horn and Associates Dallas, Texas

#### **EXISTING CONDITION OF PROPERTY**

The property is currently undeveloped.

#### PROPOSED DEVELOPMENT

The applicant is proposing an electrical substation facility called the Josey Substation on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway.

#### ADJACENT ZONING AND LAND USE

North - Planned Development District (PD-22) – undeveloped land

South - Planned Development District (PD-22) – undeveloped land, Windhaven Parkway and The Boathouse development across Windhaven Parkway

East- Planned Development District (PD-22) – Plano Parkway and undeveloped land across Plano Parkway

West- Planned Development District (PD-22) – undeveloped land

#### DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds the Specific Use Permit (SUP) meets the requirements Section 10-905 of the Zoning Ordinance, as outlined in the Staff Report.

#### **ATTACHMENTS**

- 1. Staff Analysis
- 2. Location Map
- 3. SUP Site Plan

#### **ATTACHMENT 1**

### **Staff Analysis**

#### **Summary of Request**

The Brazos Electric Power Cooperative is proposing an electrical substation facility called the Josey Electrical Substation on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway.

#### **Existing Condition of Property**

The subject property is undeveloped.

## **Platting Status**

The subject property is unplatted.

#### Adjacent Zoning/Land Use

North - Planned Development Districts (PD-10 and PD-22) – undeveloped land

South - Planned Development District (PD-22) – undeveloped land, Windhaven Parkway and The Boathouse across Windhaven Parkway

East- Planned Development District (PD-22) – Plano Parkway and undeveloped land across Plano Parkway

Planned Development District (PD-22) – undeveloped land

#### Land Use Analysis

West-

The Zoning Ordinance requires a Specific Use Permit (SUP) for electrical substations.

#### **Infrastructure Improvements**

No specific public infrastructure improvements are planned for this area.

#### Proposed Land Use

The electrical substation facility will include switching, projection and control equipment, transformers, along with several other types of equipment, required to transform high voltage power from the transmission system to a reduced voltage level suitable for the local distribution of electric power. This electrical substation is an unmanned facility. Automated supervision and control of the substation from a remote centrally attended location has become economically necessary as the complexity of the transmission and distribution networks grow.

The site is accessed from Plano Parkway through a driveway. No paved parking is proposed on site. The substation property is proposed to be covered in gravel. A five-foot (5') wide concrete sidewalk is proposed to be provided along Plano Parkway.

#### Specific Use Permit (SUP) Criteria

In accordance with Section 10-905 (Special Use Permits - Approval Criteria) of the Zoning Ordinance, the Planning and Zoning Commission and City Council shall review and evaluate a Specific Use Permit application using the following criteria:

#### 1. Conformance with the City of The Colony's Comprehensive Plan;

The Future Land Use Map identifies this area as "Austin Ranch Mixed Use Development." The substation is a needed public utility and will serve the area. It is not

compatible with the "Austin Ranch Mixed Use Development" designation of "The Colony Comprehensive Plan."

2. Conformance with applicable regulations and standards established by the zoning regulations;

With the approval of the SUP, the application will be in conformance with the Zoning Ordinance.

3. Compatibility with existing or permitted uses on abutting sites, in terms of building height, build and scale, setbacks on open spaces, landscaping and site development, access and circulation features, architectural compatibility;

The surrounding area is contains mostly undeveloped land at this time. In the future, commercial/retail and multiple family developments are proposed in this area of PD-22. The Zoning Ordinance also requires landscaping to provide a visual screening along Windhaven and Plano Parkways. As a result of these, adverse effects of the substation may be mitigated.

4. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area, existing zoning and land uses in the area;

The facility is automated and unmanned. As a result, the proposed use will not generate significant vehicular or pedestrian traffic.

5. Protection of persons and property from erosion, flood, or water damage, fire, noise, glare, air quality, generation of dust and odors, and similar hazards and impacts;

The proposed development will be constructed in accordance with applicable adopted regulations at the time of construction.

6. Location, lighting and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties;

No signage is being proposed.

7. Adequacy and convenience of off-street parking and loading facilities;

No parking layout has been shown with the SUP application. However, little traffic is anticipated since the facility is unmanned. A Development (Site) Plan (SP14-0022) has been submitted as a companion application with this SUP application.

8. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity;

The surrounding area contains mostly undeveloped land. In the future, commercial/retail and multiple family developments are proposed in this area of PD-22. With the tremendous amount of growth in this area, CoServ has indicated to the staff that existing

facilities will not have sufficient capacity to serve the loads in the near future without the addition of this substation. The substation will also provide increased reliability for the areas currently served by CoServ in The Colony, the Hebron/Castle Hills area, and west Plano by providing an additional source for distribution lines in the area.

Texas courts have concluded a public utility provider with the power of eminent domain has a degree of control in deciding where they locate their facilities. However, it is not absolute. A City, in the exercise of its police powers, can require the public utility provider to meet certain zoning ordinance standards. The Planned Development also requires landscaping to provide a visual screening along Windhaven and Plano Parkways.

In conclusion, the substation is not compatible with surrounding land uses but is a needed public utility.

9. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses in the same district and surrounding area; and

With the landscape screening proposed to be provided, the visual and aesthetic impact of a substation located on a higher ground can be mitigated.

10. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare of materially injurious to properties or improvements in the vicinity.

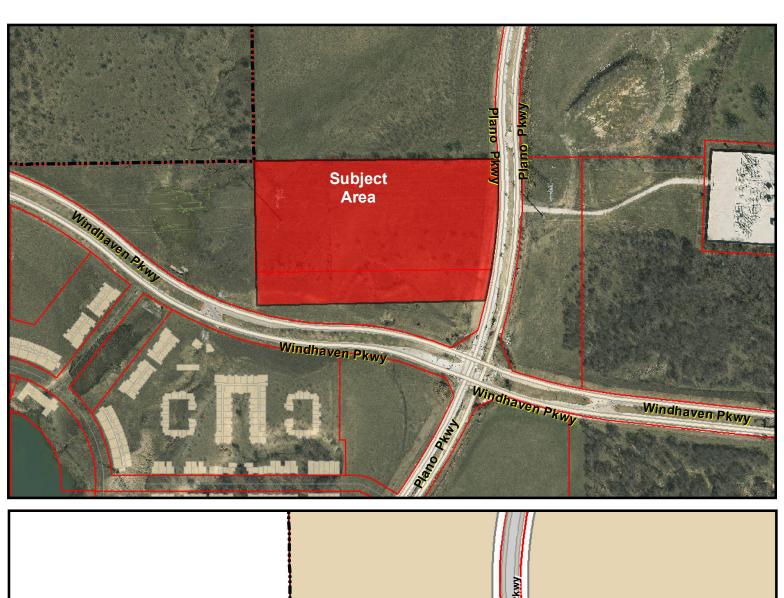
The proposed use should not be detrimental to the public health, safety, or welfare.

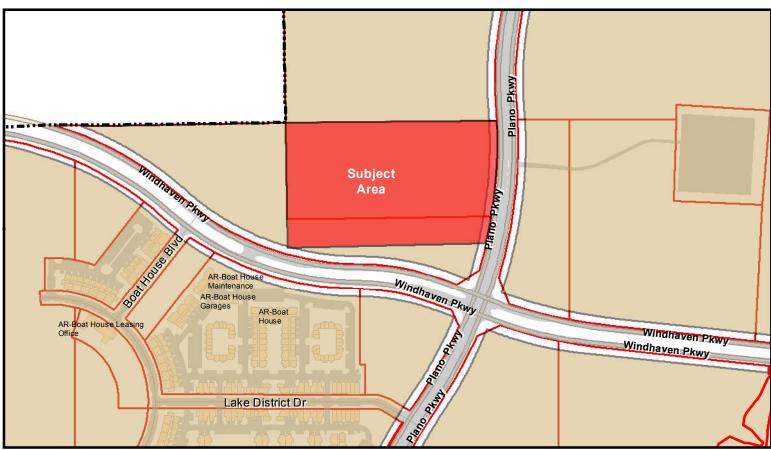
#### Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The NeighborsGO* on May 29, 2015. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Postcards were mailed on May 22, 2015 to two (2) property owners. No comments either for or against the SUP were received as of the printing of this packet.

#### Development Review Committee Review

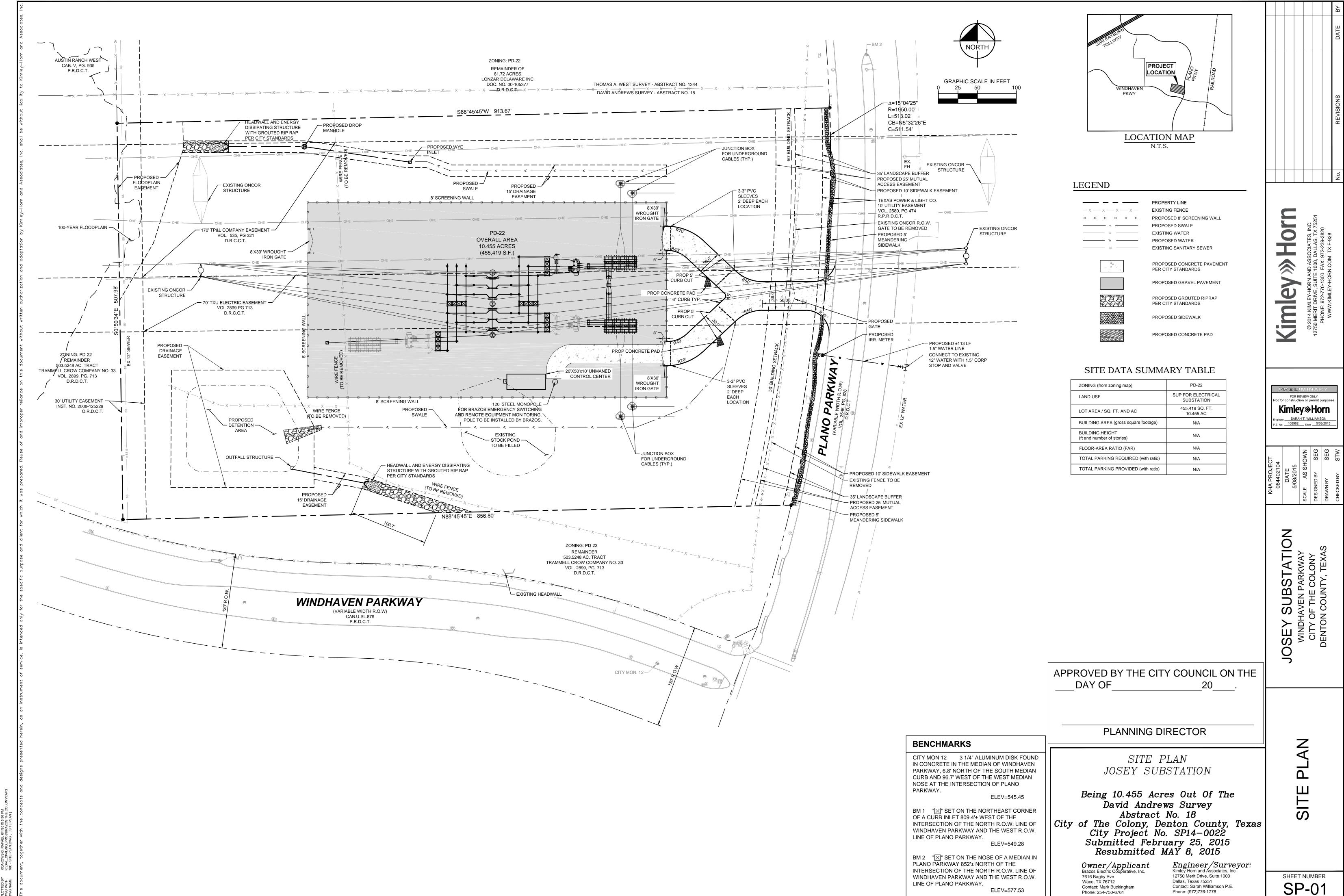
The Development Review Committee (DRC) finds that the Specific Use Permit (SUP) meets applicable requirements the Zoning Ordinance, therefore the DRC recommends approval.







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#### PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** June 9, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

# <u>SUBJECT</u>: SUP15-0003 Brazos Electric Power Cooperative – Monopole Antenna Specific Use Permit

Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for Specific Use Permit (SUP) to allow a monopole antenna to be located at the Josey Electrical Substation facility on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100 feet North of Windhaven Parkway in Planned Development 10 (PD-10) zoning district.

#### **OWNER/ENGINEER**

Owner/Developer: Brazos Electric Power Cooperative Waco, Texas Engineer/Surveyor: Kimley-Horn and Associates Dallas, Texas

#### **EXISTING CONDITION OF PROPERTY**

The property is currently undeveloped.

#### PROPOSED DEVELOPMENT

The applicant is proposing a 120 foot tall monopole antenna to be erected within an electrical substation facility called the Josey Substation on 10.445-acres of land.

#### ADJACENT ZONING AND LAND USE

North - Planned Development District (PD-22) – undeveloped land

South - Planned Development District (PD-22) – undeveloped land, Windhaven Parkway and Boathouse across Windhaven Parkway

East- Planned Development District (PD-22) – Plano Parkway and undeveloped land across Plano Parkway

West- Planned Development District (PD-22) – undeveloped land

#### DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds the monopole SUP Site Plan meets the requirements of the Section 10-905 and Section 10C of the Zoning Ordinance as outlined in the Staff Report.

#### **ATTACHMENTS**

- 1. Staff Analysis
- 2. Location Map
- 3. Specific Use Permit Site Plan

#### **ATTACHMENT 1**

# **Staff Analysis**

#### Summary of Request

The applicant is proposing to erect a 120 foot tall monopole antenna within an electrical substation facility called the Josey Substation on 10.445-acres of land.

#### **Existing Condition of Property**

The subject property is currently undeveloped.

#### **Platting Status**

Property is unplatted.

#### Adjacent Zoning/Land Use

North - Planned Development District (PD-22) – undeveloped land

South - Planned Development District (PD-22) – undeveloped land, Windhaven Parkway and Boathouse across Windhaven Parkway

East- Planned Development District (PD-22) – Plano Parkway and undeveloped land across Plano Parkway

West- Planned Development District (PD-22) – undeveloped land

#### **Land Use Analysis**

"Section 10C – Radio, Television and Wireless Communication Facilities" of Appendix A, Zoning Ordinance requires a Specific Use Permit (SUP) for the installation of monopole antennas.

#### <u>Infrastructure Improvements</u>

No specific public infrastructure improvements are planned for this area.

#### Circulation and Parking

The electrical substation facility will involve switching, projection and control equipment, transformers, along with several other types of equipment, required to transformer high voltage power from the transmission system to a reduced voltage level suitable for the local distribution of electric power. This electrical substation is an unmanned facility. Automated supervision and control of the substation from a remote centrally attended location has become economically necessary as the complexity of the transmission and distribution networks grow.

The site is proposed to be accessed from Plano Parkway through a driveway. No paved parking is proposed on the site. The substation property is proposed to be covered in gravel. A five-foot (5') wide concrete sidewalk is proposed to be provided along Plano Parkway.

In accordance with Section 10C – Radio, Television and Wireless Communication Facilities, the monopole antenna has complied with the regulations as follows:

- 1. Height does not exceed 120 feet;
- 2. Minimum setback from a public Right-of-Way is one (1) foot of setback for every two (2) feet of antenna height;
- 3. Minimum setback from a residential use or district is three (3) feet of setback for every one (1) foot of antenna height; and,
- 4. A driveway has been extended to the monopole antenna facility.

A City permit will be required to install the monopole if the SUP is approved.

In accordance with Section 10-905 (Special Use Permits - Approval Criteria) of the Zoning Ordinance: The Planning and Zoning Commission and City Council shall review and evaluate specific use permit applications using the following criteria:

1. Conformance with the City of The Colony's Comprehensive Plan;

The Future Land Use Map identifies this area as "Austin Ranch Mixed Use Development". The Electrical Substation is a needed public utility and will serve the area. The use of automated supervision and control of the substation from a remote centrally attended location requires an antenna. It is not compatible with the "Austin Ranch Mixed Use Development" designation of "The Colony Comprehensive Plan."

2. Conformance with applicable regulations and standards established by the zoning regulations;

After approval of the SUP the application will be in conformance with the Zoning Ordinance.

3. Compatibility with existing or permitted uses on abutting sites, in terms of building height, build and scale, setbacks on open spaces, landscaping and site development, access and circulation features, architectural compatibility;

The surrounding area contains mostly undeveloped land; as a result the monopole may not adversely affect the surrounding land uses.

4. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area, existing zoning and land uses in the area;

The facility is automated and unmanned as a result the proposed use will not generate significant traffic.

5. Protection of persons and property from erosion, flood, or water damage, fire, noise, glare, air quality, generation of dust and odors, and similar hazards and impacts;

The proposed development shall be constructed in accordance with applicable adopted regulations at the time of construction.

6. Location, lighting and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties;

No signage is being proposed.

7. Adequacy and convenience of off-street parking and loading facilities;

No parking layout has been shown and it is staff's opinion that there is adequate space for parking on this site which will be graveled.

8. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity;

There are minimal visual and aesthetic impacts of a monopole located on a higher ground across a residential development, the Boathouse.

9. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses in the same district and surrounding area; and

There are minimal visual and aesthetic impacts of a monopole located on a higher ground across a residential development, the Boathouse.

10. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare of materially injurious to properties or improvements in the vicinity.

The proposed monopole antenna should not be detrimental to the public health, safety, or welfare.

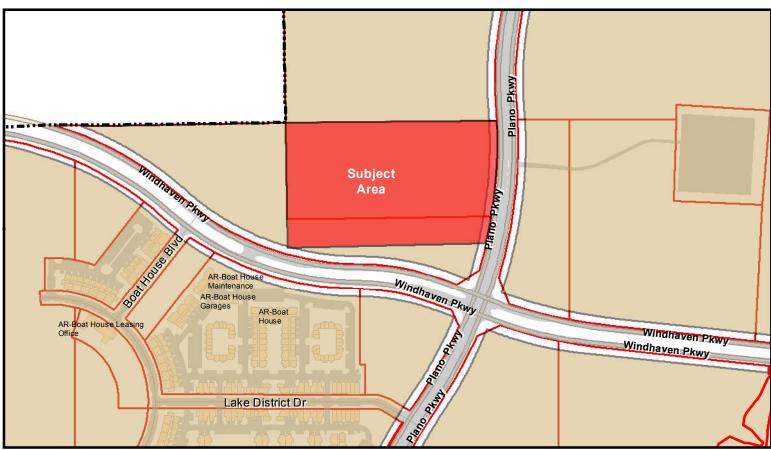
#### Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The NeighborsGO* on May 29, 2015. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Postcards were mailed on May 22, 2015 to two (2) property owners. No comments either for or against the SUP were received as of the printing of this packet.

#### **Development Review Committee Review**

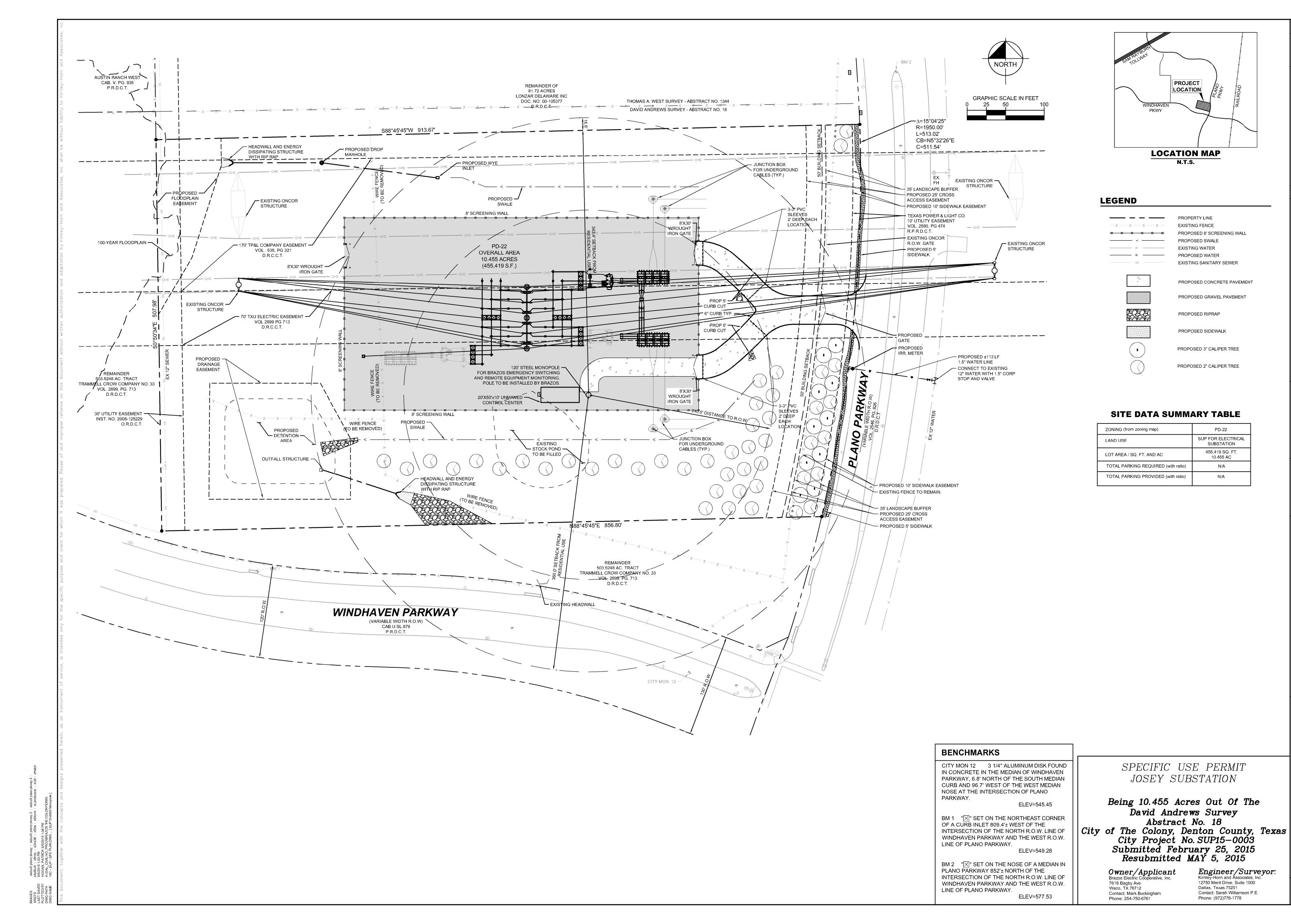
The Development Review Committee finds that the request for Specific Use Permit (SUP) to allow a monopole antenna to be located at the Josey Electrical Substation facility meets Section 10C, Antenna Facility, of the Zoning Ordinance; and, Section 10-905, Specific Use Permit Approval Criteria, therefore recommends approval of the SUP for a monopole antenna.







W E



Kimley

Not for construction or permit purpos **Kimley»Horn** P.E. No. 108962 Date 5/05/2015

PERMIT USE E PL/

SHEET NUMBER SUP-00

#### PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** June 9, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

# <u>SUBJECT</u> SP14-0022, Brazos Electric Power Cooperative – Electrical Substation Development Plan

Discuss and consider making a recommendation to City Council on a request for a Development Plan to allow an electrical substation facility known as the Josey Substation on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100-feet North of Windhaven Parkway in the Planned Development 10 (PD-10) zoning district.

#### **OWNER/ENGINEER**

Owner/Developer: Brazos Electric Power Cooperative Waco, Texas Engineer/Surveyor: Kimley-Horn and Associates Dallas, Texas

#### **EXISTING CONDITION OF PROPERTY**

The property is currently undeveloped.

#### PROPOSED DEVELOPMENT

The applicant is proposing an electrical substation facility called the Josey Substation on 10.445-acres of land.

#### ADJACENT ZONING AND LAND USE

North - Planned Development District (PD- 22) – undeveloped land

South - Planned Development District (PD-22) – undeveloped land, Windhaven Parkway and Boathouse across Windhaven Parkway

East- Planned Development District (PD-22) – Plano Parkway and undeveloped land across Plano Parkway

West- Planned Development District (PD-22) – undeveloped land

#### DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds that Texas courts have concluded a public utility provider with the power of eminent domain has a degree of control in deciding where they can locate their facilities and recommends approval.

#### **ATTACHMENTS**

- 1. Staff Analysis
- 2. Location Map
- 3. Proposed Site Plan
- 4. Proposed Landscape Plan

#### **ATTACHMENT 1**

## **Staff Analysis**

#### Summary of Request

The applicant is proposing an electrical substation facility called the Josey Substation on 10.445-acres of land.

## **Existing Condition of Property**

The subject property is undeveloped.

#### **Platting Status**

The property is unplatted. A Final Plat for the property is currently under staff review.

#### Adjacent Zoning/Land Use

North - Planned Development District (PD-10) – undeveloped land

South - Planned Development District (PD-22) – undeveloped land, Windhaven Parkway and The Boathouse multiple family housing development located across Windhaven Parkway

East- Planned Development District (PD-22) – Plano Parkway and undeveloped land across Plano Parkway

West- Planned Development District (PD-22) – undeveloped land

#### Land Use Analysis

Typically, a land use is allowed in a Planned Development (PD) only if it is specifically mentioned in the Planned Development (PD) document. An electrical substation is not a listed land use within the Planned Development 10 (PD-10) zoning district document, hence an electrical substation would not be allowed in PD-10.

However, Texas courts have concluded a public utility provider with the power of eminent domain has a degree of control in deciding where they can locate their facilities. It is not absolute. Further, a City in the exercise of its police powers can require the public utility provider to meet certain zoning ordinance standards.

The Brazos Electric Power Cooperative indicates that this electrical substation is needed to serve the area generally bounded on the East by Josey Lane/FM 423; on the West by the Railroad track, and; along the State Highway 121 corridor. The substation will serve approximately 400-acres and 3.9 million square feet of retail development associated within the Grandscape development in The Colony. The known Grandscape developments to date include the Nebraska Furniture Mart, Hampton Inn and Suites, Homewood Suites, Cheddar's Causal Café, Hard Eight BBQ, Mi Cocina, and the Rock & Brews restaurants. With the tremendous amount of growth in this area, CoServ has indicated to the staff that existing facilities will not have sufficient capacity to serve the loads in the near future without the addition of this substation. The substation will also provide increased reliability for the areas currently served by CoServ in The Colony, the Hebron/Castle Hills area, and west Plano by providing an additional source for distribution lines in the area.

#### <u>Infrastructure Improvements</u>

No specific public infrastructure improvements are planned for this area. The substation will require minimal use or additions to existing public facilities. A 1½ inch irrigation line will be installed from the site to an existing 12 inch water main along the East side of Plano Parkway. There is an existing 12 inch wastewater line along the Western edge of the property that will not be disturbed. This site will allow for future public utility improvements within the existing 30 foot utility easement.

#### Circulation and Parking

The electrical substation facility will involve switching, projection and control equipment, transformers, along with several other types of equipment, required to transformer high voltage power from the transmission system to a reduced voltage level suitable for the local distribution of electric power.

This electrical substation is an unmanned facility. Automated supervision and control of the substation from a remote centrally attended location has become economically necessary as the complexity of the transmission and distribution networks grow.

The site is proposed to be accessed from Plano Parkway through a driveway. No paved parking is proposed on site. The substation property is proposed to be covered in gravel. A five-foot (5') wide concrete sidewalk has been proposed along Plano Parkway.

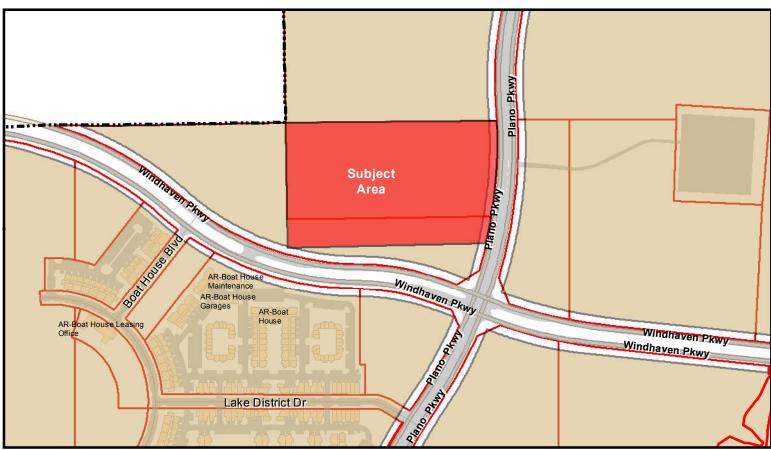
#### **Landscaping and Irrigation**

The site is proposed to be landscaped with Live Oak and Bald Cypress trees. One tree per 50 LF, a total of 10 trees has been provided on Plano Parkway. As per City of Colony Landscape Section 17A-300, twenty percent (20%) of street yard area will be landscaped. Forty (40) trees are proposed to be provided to landscape the street yard along Plano Parkway. Additional trees will be added along Windhaven Parkway to increase visual screening of the proposed site. In order to satisfy the Landscape requirement, three (3) shrubs per 10 linear feet, and 47 Burford Holly shrubs are proposed to be provided along Plano Parkway.

#### Development Review Committee Review

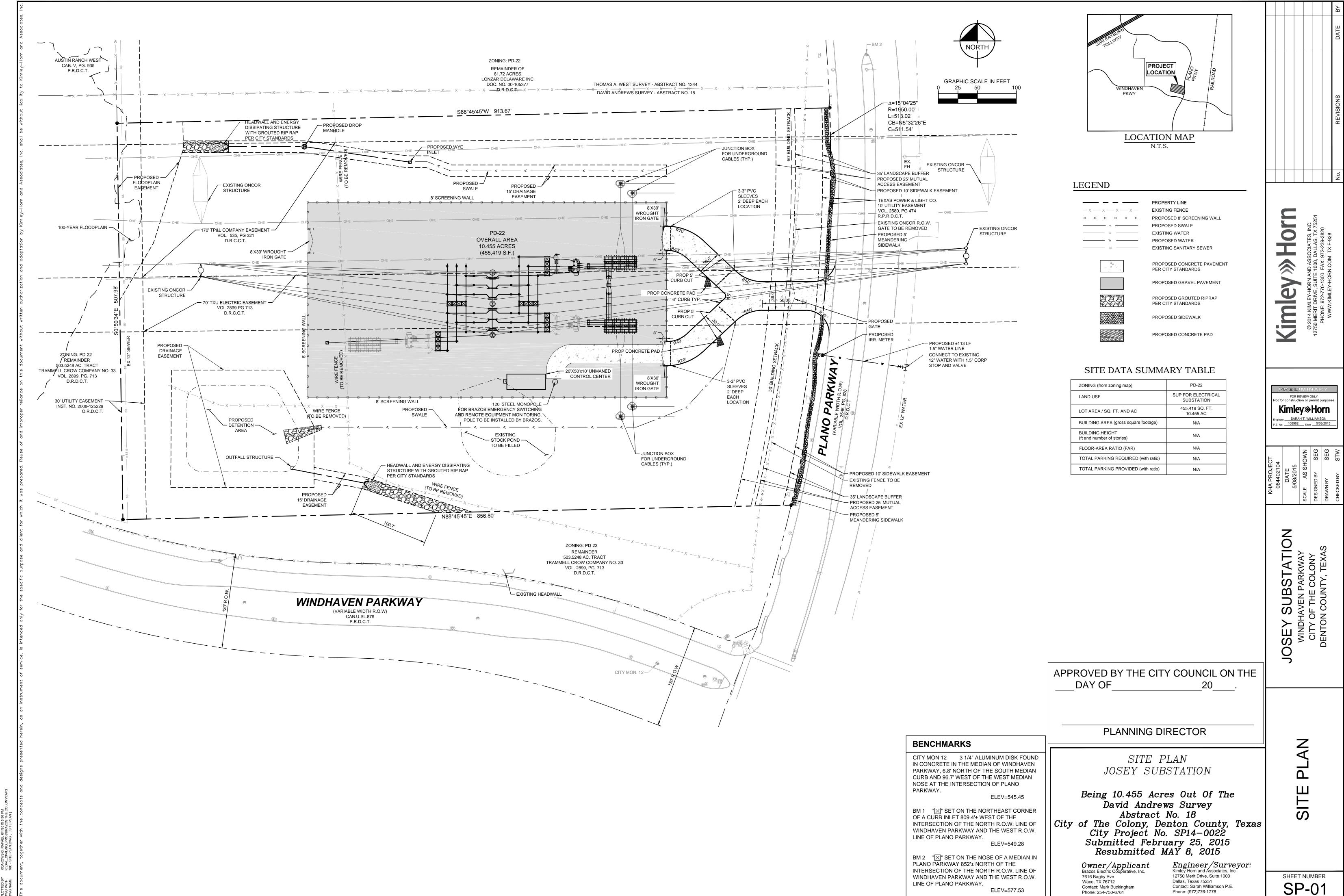
The Development Review Committee (DRC) finds that Texas courts have concluded a public utility provider with the power of eminent domain has a degree of control in deciding where they can locate their facilities and recommends approval due to public need.

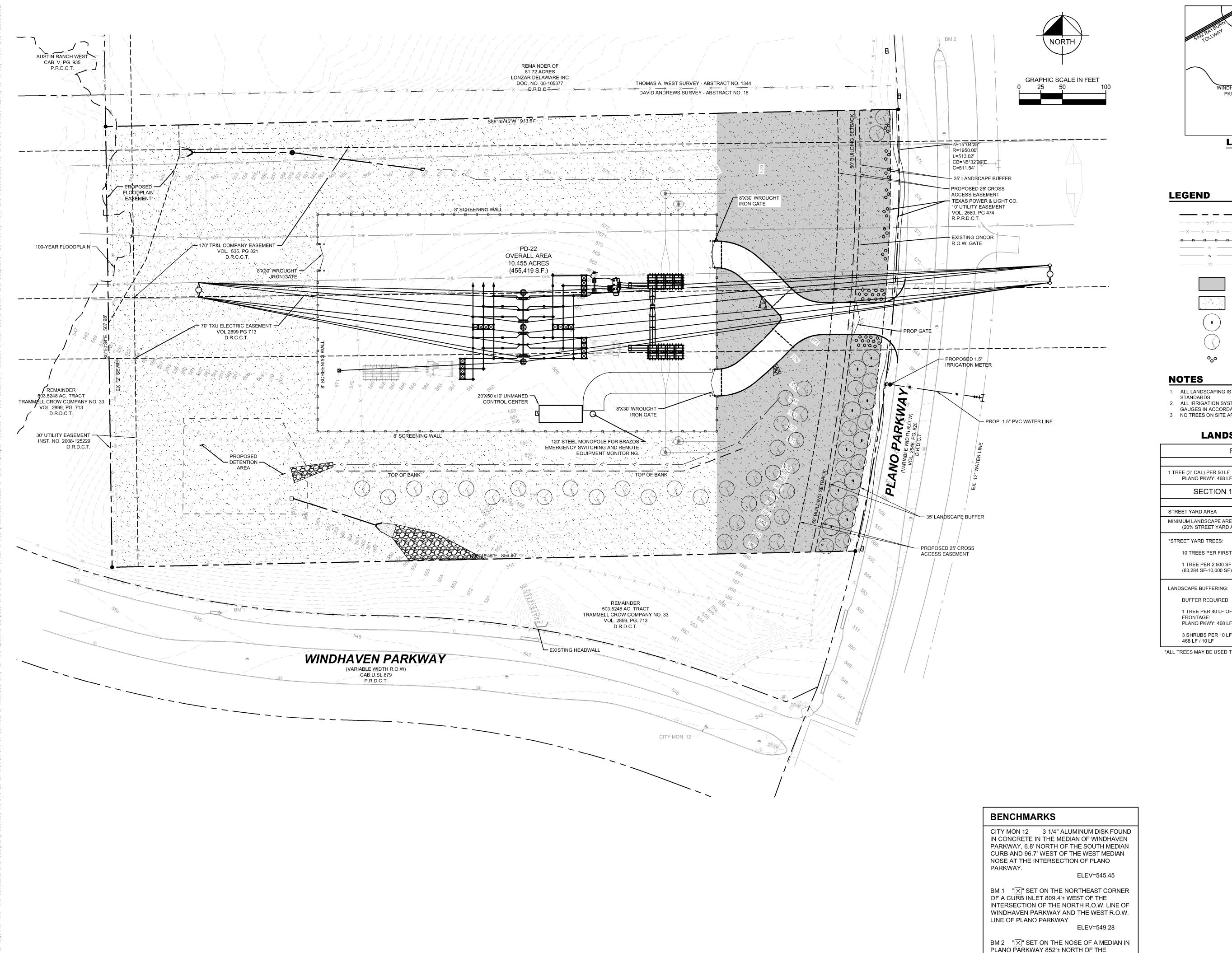












PROJECT LOCATION **LOCATION MAP** N.T.S.

PROPERTY LINE EXISTING CONTOUR **EXISTING FENCE** PROPOSED 8' MASONRY SCREENING WALL **EXISTING WATER** 

EXISTING SANITARY SEWER

STREET YARD AREA (16,817 SF) SEED/SOD

PROPOSED 3" CALIPER LIVE OAK

PROPOSED 2" CALIPER BALD CYPRESS

PROPOSED BURFORD HOLLY

- 1. ALL LANDSCAPING IS TO BE IRRIGATED IN ACCORDANCE WITH CITY
- ALL IRRIGATION SYSTEMS ARE TO BE FITTED WITH RAIN AND FREEZE GAUGES IN ACCORDANCE WITH CITY STANDARDS.
   NO TREES ON SITE ARE LARGER THAN 10 INCHES IN CALIPER.

# LANDSCAPE DATA TABLE

PD-22 REQ	UIREMENTS				
	REQUIRED	PROVIDED			
1 TREE (3" CAL) PER 50 LF PLANO PKWY: 468 LF / 50 LF	10 TREES	10 TREES			
SECTION 17A LANDS	CAPE REQUIR	EMENTS			
	REQUIRED	PROVIDED			
STREET YARD AREA	83,284 SF	83,284 SF			
MINIMUM LANDSCAPE AREA (20% STREET YARD AREA)	16,657 SF	16,657 SF			
*STREET YARD TREES:					
10 TREES PER FIRST 10,000 SF	10 TREES	10 TREES			
1 TREE PER 2,500 SF THEREAFTER (83,284 SF-10,000 SF) / 2,500 SF	40 TREES	40 TREES			
LANDSCAPE BUFFERING:					
BUFFER REQUIRED	20' WIDE	35' WIDE			
1 TREE PER 40 LF OF STREET FRONTAGE: PLANO PKWY: 468 LF / 40 LF	12 TREES	12 TREES			
3 SHRUBS PER 10 LF OF BUFFER: 468 LF / 10 LF	47 SHRUBS	47 SHRUB			

\*ALL TREES MAY BE USED TO SATISFY THIS REQUIREMENT PER SECTION 17A-300.B

INTERSECTION OF THE NORTH R.O.W. LINE OF WINDHAVEN PARKWAY AND THE WEST R.O.W.

ELEV=577.53

LINE OF PLANO PARKWAY.

Kimley

SHEET NUMBER **SP-04**